

United States v. Viktor Bout
Prepared Remarks for U.S. Attorney Preet Bharara
November 17, 2010

Good morning. My name is Preet Bharara, and I am the United States Attorney for the Southern District of New York.

Today, in Manhattan federal court, accused arms dealer Viktor Bout begins to face American justice. The so-called “merchant of death” is now a federal inmate.

Late last night, a DEA charter plane transporting Bout touched down at Westchester County Airport in the Southern District of New York after a flight from Bangkok, Thailand.

After more than two years of extradition proceedings, a Thai court ordered Bout extradited to the United States for his alleged agreement to supply an arsenal of military-grade weapons to men he believed (1) represented the Colombian terrorist group known as the FARC and (2) were bent on killing Americans.

Late yesterday, DEA agents and United States Marshals brought Bout to a high-security facility here in Manhattan where we expect he will be held pending trial.

Viktor Bout now stands charged in the Southern District of New York with four offenses: (1) conspiring to kill United States nationals; (2) conspiring to kill United States officers and employees; (3) conspiring to use and acquire anti-aircraft missiles; and (4) conspiring to provide material support to the FARC. If convicted of all charges, Bout faces a mandatory minimum sentence of 25 years in prison and a maximum sentence of life in prison.

Viktor Bout is in custody in Manhattan today as the result of a bold and innovative DEA undercover operation carried out across three continents. As part of this long-term investigation, DEA agents traveled from Curacao to Copenhagen and from Bucharest to Bangkok, to conduct undercover meetings where DEA confidential informants posed as representatives of the FARC narco-terrorist organization.

The FARC, of course, is an international terrorist group dedicated to the violent overthrow of the democratically elected government of Colombia. It is also the world’s largest supplier of cocaine. It has repeatedly been designated a foreign terrorist organization by the United States Secretary of State, and its methods and goals include the killing and kidnapping of Americans.

The informants, at the direction of DEA agents, requested military-grade weapons from Bout and his associate, Andrew Smulian, that they said would be used to kill Americans and attack American interests – specifically, U.S. pilots who were working in Colombia.

As alleged in the indictment and extradition affidavits presented to the Thai courts, Bout and Smulian stood to collect millions of dollars on the FARC arms deal, and they both allegedly jumped at the opportunity to arm the FARC for its terrorist fight against the United States.

In a series of recorded meetings and telephone calls in South America, Europe, and Asia, Bout and his associate allegedly made clear that they were ready, willing, and able to provide a substantial arsenal to the FARC for use against the United States.

According to unsealed documents, here is just some of the deadly inventory that Viktor Bout allegedly offered up:

- More than 700 surface-to-air missiles
- 5,000 AK-47 assault rifles
- Anti-personnel land mines
- C-4 explosives
- And literally millions of rounds of ammunition
- Also:
 - o “Ultralight” airplanes that could be outfitted with grenade launchers and missiles
 - o Unmanned aerial vehicles with a range of over 200 kilometers
 - o And two cargo planes for delivering the described armaments

It was an arsenal that would be the envy of some small countries.

Now today, we also announce the unsealing of the guilty plea of Bout’s associate Andrew Smulian, previously entered in Manhattan federal court. During his plea proceeding, Smulian admitted that he conspired with Viktor Bout to carry out the FARC weapons deal and to achieve the objects of each of the conspiracies charged in the indictment.

The successful extradition of Viktor Bout to the United States would not have been possible without the courageous and groundbreaking work of the DEA. I want to personally thank Michele Leonhart, the DEA's Acting Administrator, who is represented here today by DEA Chief of Operations Tom Harrigan.

I also want to personally recognize special agents Wim Brown and Rob Zachariasiewicz, Group Supervisor Lou Milione, ASAC Jim Soiles, and SAC Derek Maltz. Also, deputy general counsel of the DEA John Wallace, as well as DEA’s Bangkok regional office.

We are grateful too for the efforts of Christopher Sonderby and Philip Gentert, the Department of Justice’s former and current Judicial Attaches to Thailand, and Molly Warlow, the Director of the Department of Justice's Office of International Affairs, for her unwavering support in this and so many other international cases we prosecute.

Finally, I want to thank the prosecutors from my Office, Anjan Sahni and Brendan McGuire, who have worked so hard on this case and traveled repeatedly to Bangkok to coordinate on the ground with their counterparts.

As outlined in the criminal complaint, the federal indictment, and various extradition documents, the government's evidence against Viktor Bout includes – among other things – emails, accomplice testimony, recordings of meetings, and authorized telephone intercepts.

- On one occasion in Copenhagen, Bout's associate was recorded negotiating with a confidential government source about the arms deal and future meeting locations. He was recorded specifically saying that the person he was working with was Bout, that he was known as the "merchant of death," and that "the whole world was after him." That is why it took some time to arrange a safe meeting place for Bout himself.
- And when a meeting with Bout finally did take place in Bangkok on March 6, 2008, Viktor Bout was himself recorded during a two-hour discussion offering up the specific arms I described – while being told that they were needed for the purpose of killing American pilots; he also expressed his solidarity with the FARC and said that the fight against the United States was his fight too.

As with every defendant in America, Viktor Bout is of course presumed innocent until proven guilty. And also, just like every other defendant, Viktor Bout will receive a fair trial in Manhattan federal court, where his case will now play out.

While these prosecutors turn their attention to the upcoming court proceedings, our office will continue to work every day with our DEA partners to protect American interests wherever they may be threatened.

The cooperation in this case spanned the globe and should send the message that no one is beyond the reach of the law, no one should doubt the international commitment to justice, and no one should ever think he can plot to kill Americans with impunity.

Now it is my pleasure to call to the podium Tom Harrigan, DEA Chief of Operations.